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EXAMINER	
NGUYEN, TOAN D	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/521,730	SRIRAM ET AL.	
	Examiner	Art Unit	
	Toan D Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-12,15-18 and 28-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) __ is/are allowed.

6)☒ Claim(s) *1-6,9-12,15-18 and 28-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 March 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Abel et al (US 5,289,371).

For claim 1, Abel et al disclose system and method for routing data and communications, comprising the steps of:

receiving an incoming call (figure 1, reference 18, col. 9 lines 44-46), the incoming call representing one of a plurality of call types comprising voice calls (figure 2, references 50 and 52) and non-voice calls that can use a facility (col. 9 lines 30-35);

admitting the incoming call for using the facility as a function of the call type of the incoming call (figure 2, reference step 58, col. 9 lines 52-55); and

updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call (col. 8 lines 55-59).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abel et al (US 5,289,371) in view of Sabry et al (US 6,233,223).

For claims 2-3, Abel et al do not disclose:

(a) associating with each call type a call bandwidth;

(b) admitting the incoming call if the call bandwidth of the incoming call is not greater than a spare bandwidth that is associated with the virtual circuit.

In an analogous art, Sabry et al disclose:

(a) associating with each call type a call bandwidth (figure 2, reference step 120, col. 5 lines 39-41);

(b) admitting the incoming call if the call bandwidth of the incoming call is not greater than a spare bandwidth that is associated with the virtual circuit (figure 2, reference step 150, col. 6 lines 6-9). Sabry et al disclose the step of identifying the call type of the incoming call prior to performing step (b) (figure 2, reference step 120, col. 5 lines 39-41 as set forth in claim 3).

One skilled in the art would have recognized associating with each call type a call bandwidth to use the teachings of Sabry et al in the system of Abel et al. therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention, to use the associating with each call type a call bandwidth as taught by Sabry et al in Abel et al's system with the motivation being to provide a look-up table contains values which represent a non-linear relationship between the equivalent bandwidth in use and the f connections (col. 5 lines 46-48).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abel et al (US 5,289,371) in view of Sabry et al (US 6,233,223) further in view of Miyagi et al (US 5,894,471).

For claim 4, Abel et al in view of Sabry et al do not disclose the step of blocking the incoming call if the incoming call is not admitted. In an analogous art, Miyagi et al disclose the step of blocking the incoming call if the incoming call is not admitted (col. 13 lines 40-46).

One skilled in the art would have recognized disclose the step of blocking the incoming call if the incoming call is not admitted to use the teachings of Miyagi et al in the system of Abel et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use disclose the step of blocking the incoming call if the incoming call is not admitted as taught by Miyagi et al in Abel et al's system with the motivation being to provide call blocking due to the lack of bandwidth (col. 13 lines 40-41).

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abel et al (US 5,289,371) in view of Sabry et al (US 6,233,223) further in view of Davis (US 6,157,654).

For claim 5, Abel et al in view of Sabry et al do not disclose wherein step (b) further includes the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call. In an analogous art, Davis discloses the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call (col. 6 line 65 to col. 7 line 3). Davis discloses further the step of increasing the spare bandwidth by an amount

equal to the call bandwidth of the admitted incoming call when the admitted incoming call departs (col. 7 lines 6-9 as set forth in claim 6).

One skilled in the art would have recognized the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call to use the teachings of Davis in the system of Abel et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call as taught by Davis in Abel et al with the motivation being to provide WFQ Control to determine whether the demand can be met by the existing queue weights by comparing the request with the queue part allocated to the queue (col. 6 line 65 to col. 7 line 1).

8. Claims 9, 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabry et al (US 6,233,223) in view of Abel et al (US 5,289,371).

For claim 9, Sabry et al disclose control of distributed allocation of channels, comprising the steps of:

determining a call type of an incoming call, each call type having an associated bandwidth (figure 2, reference step 120, col. 5 lines 39-41);

admitting the incoming call to use the virtual circuit if the associated bandwidth of the incoming call is not greater than a spare bandwidth that is associated with the virtual circuit (figure 2, reference step 150, col. 6 lines 6-9).

However, Sabry et al do not disclose updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call. In an analogous art, Abel et

al disclose updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call (col. 8 lines 55-59).

One skilled in the art would have recognized updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call to use the teachings of Abel et al in the system of Sabry et al. Therefore, t would have been obvious to one of ordinary skill in the art at the time of the invention, to use the updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call as taught by Abel et al in Sabry et al's system with the motivation being to provide an operating system software for tracking the start times, completion times and length of telephone calls on the system (col. 8 lines 55-59).

For claim 15, Sabry et al disclose control of distributed allocation of channels, comprising the steps of:

determining a call type of an incoming call, each call type having an associated bandwidth (figure 2, reference step 120, col. 5 lines 39-41);

admitting the incoming call to use the virtual circuit if the associated bandwidth of the incoming call is not greater than a spare bandwidth that is associated with the virtual circuit (figure 2, reference step 150, col. 6 lines 6-9);

responsive to the admitted call, providing a stream of ATM Adaptation Layer 2 (AAL2) packets for conveying information associated with the admitted call (col. 4 lines 61-65 and col. 7 lines 20-27); and

responsive to the stream of AAL2 packets, providing a respective stream of ATM cells for transmission over the virtual circuit (col. 7 lines 20-27).

However, Sabry et al do not disclose updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call. In an analogous art, Abel et al disclose updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call (col. 8 lines 55-59).

One skilled in the art would have recognized updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call to use the teachings of Abel et al in the system of Sabry et al. Therefore, t would have been obvious to one of ordinary skill in the art at the time of the invention, to use the updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call as taught by Abel et al in Sabry et al's system with the motivation being to provide an operating system software for tracking the start times, completion times and length of telephone calls on the system (col. 8 lines 55-59).

For claim 28, Sabry et al disclose control of distributed allocation of channels, comprising the steps of:

a call classifier (figure 2, reference step 100, col. 5 lines 14-20) for determining a call type of an incoming call; each call type having an associated bandwidth (figure 2, reference step 120, col. 5 lines 39-41) and for admitting the incoming call to use the virtual circuit if the associated bandwidth of the incoming call is not greater than a spare bandwidth that is associated with the virtual circuit (figure 2, reference step 150, col. 6 lines 6-9);

a processor (figure 8, reference 520, col. 9 line 23) responsive to the admitted call, providing a stream of ATM Adaptation Layer 2 (AAL2) packets for conveying information associated with the admitted call (col. 4 lines 61-65 and col. 7 lines 20-27); and

a processor (figure 8, reference 520, col. 9 line 23) responsive to the stream of AAL2 packets, providing a respective stream of ATM cells for transmission over the virtual circuit (col. 7 lines 20-27).

Sabry et al disclose wherein the call classifier (figure 1, reference 30, col. 5 lines 14-20). However, Sabry et al do not disclose update a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call. In an analogous art, Abel et al disclose update a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call (col. 8 lines 55-59).

One skilled in the art would have recognized update a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call to use the teachings of Abel et al in the system of Sabry et al. Therefore, t would have been obvious to one of ordinary skill in the art at the time of the invention, to use the update a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call as taught by Abel et al in Sabry et al's system with the motivation being to provide an operating system software for tracking the start times, completion times and length of telephone calls on the system (col. 8 lines 55-59).

9. Claims 10, 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabry et al (US 6,233,223) in view of Abel et al (US 5,289,371) further in view of Miyagi et al (US 5,894,471).

For claim 10, Sabry et al in view of Abel et al do not disclose the step of blocking the incoming call if the incoming call is not admitted. In an analogous art, Miyagi et al disclose the step of blocking the incoming call if the incoming call is not admitted (col. 13 lines 40-46).

One skilled in the art would have recognized disclose the step of blocking the incoming call if the incoming call is not admitted to use the teachings of Miyagi et al in the system of Sabry et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use disclose the step of blocking the incoming call if the incoming call is not admitted as taught by Miyagi et al in Sabry et al's system with the motivation being to provide call blocking due to the lack of bandwidth (col. 13 lines 40-41).

For claim 16, the claim is directed to the same subject matter in claim 10. Therefore, it is subjected to the same rejection.

For claim 29, the claim is directed to the same subject matter in claim 10. Therefore, it is subjected to the same rejection.

10. Claims 11-12, 17-18 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabry et al (US 6,233,223) in view of Abel et al (US 5,289,371) further in view of Davis (US 6,157,654).

For claim 11, Sabry et al in view of Abel et al do not disclose wherein step (b) further includes the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call. In an analogous art, Davis discloses the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call (col. 6 line 65 to col. 7 line 3). Davis discloses further the step of increasing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call when the admitted incoming call departs (col. 7 lines 6-9 as set forth in claim 12).

One skilled in the art would have recognized the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call to use the teachings of

Davis in the system of Sabry et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the step of reducing the spare bandwidth by an amount equal to the call bandwidth of the admitted incoming call as taught by Davis in Sabry et al with the motivation being to provide WFQ Control to determine whether the demand can be met by the existing queue weights by comparing the request with the queue part allocated to the queue (col. 6 line 65 to col. 7 line 1).

For claim 17, the claim is directed to the same subject matter in claim 10. Therefore, it is subjected to the same rejection.

For claim 18, the claim is directed to the same subject matter in claim 10. Therefore, it is subjected to the same rejection.

For claim 30, the claim is directed to the same subject matter in claim 10. Therefore, it is subjected to the same rejection.

For claim 31, the claim is directed to the same subject matter in claim 10. Therefore, it is subjected to the same rejection.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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